

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
individually and on behalf of NORFOLK)	
& PORTSMOUTH BELT LINE)	
RAILROAD COMPANY,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 2:18-cv-530-MSD-LRL
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

**DEFENDANT NORFOLK SOUTHERN RAILWAY COMPANY’S
MOTION TO COMPEL THE PRODUCTION OF
DOCUMENTS FROM PLAINTIFF CSX TRANSPORTATION, INC.**

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and Rules 37(B) and 7(F) of the Local Rules of the U.S. District Court for the Eastern District of Virginia, Defendant Norfolk Southern Railway Company (“NSR”), by counsel, hereby moves this Court for an Order compelling Plaintiff CSX Transportation, Inc. (“CSXT”) to produce documents it has improperly redacted or withheld as privileged. In support of this Motion, NSR refers this Court to its Memorandum in Support, filed contemporaneously with this Motion.

In accordance with Local Rule 37(E), NSR has made a good faith effort to resolve the issues raised in this Motion.

WHEREFORE, for the reasons stated in the accompanying Memorandum in Support of this Motion to Compel, NSR respectfully requests the Court:

1. grant its Motion and order CSXT to produce the emails at issue without redaction within 14 days;

2. allow Defendants to depose Steven Armbrust on all emails that have been produced and/or unredacted since his deposition on March 11, 2020, and emails that are produced and/or unredacted pursuant to this Motion;¹ and

3. award such further relief that the Court deems necessary and proper.

Date: May 13, 2020

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

/s/ Michael E. Lacy
Alan D. Wingfield (VSB No. 27489)
Michael E. Lacy (VSB No. 48477)
Massie P. Cooper (VSB No. 82510)
TROUTMAN SANDERS, LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-1200
Facsimile: (804) 698-6061
Email: alan.wingfield@troutman.com
Email: michael.lacy@troutman.com
Email: massie.cooper@troutman.com

John C. Lynch (VSB No. 39267)
Kathleen M. Knudsen (VSB No. 90845)
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7759
Facsimile: (757) 687-7510
Email: john.lynch@troutman.com
Email: Kathleen.knudsen@troutman.com

¹ Counsel for CSXT abruptly ended Armbrust deposition in the middle of an examination by counsel for Cannon Moss, who CSXT subsequently agreed to dismiss as a party. *See* Armbrust Dep. 312:15 - 313:5. Counsel for NSR and NPBL reserved the right to reopen the deposition of Armbrust if CSXT subsequently produced and/or unredacted emails involving Armbrust. *Id.* at 274:11-18; 300:9-12.

Monica McCarroll (VSB No. 45622)
REDGRAVE LLP
14555 Avion Parkway, Suite 275
Chantilly, VA 20151
Telephone: (703) 592-1155
Facsimile: (703) 230-9859
Email: mmccarroll@redgravellp.com

*Counsel for Defendant Norfolk Southern Railway
Company*

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

Robert W. McFarland, Esq.
Benjamin L. Hatch, Esq.
E. Rebecca Gantt, Esq.
McGuireWoods LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, Virginia 23510-1655
Telephone: (757) 640-3716
Facsimile: (757) 640-3930
rmcfarland@mcguirewoods.com
bhatch@mcguirewoods.com
rgantt@mcguirewoods.com

Attorneys for CSX Transportation, Inc.

James L. Chapman, IV, Esq.
W. Ryan Snow, Esq.
Darius K. Davenport, Esq.
David C. Hartnett, Esq.
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1500
Norfolk, Virginia 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735
jchapman@cwm-law.com
wrsnow@cwm-law.com

*Attorneys for Norfolk and Portsmouth Belt
Line Railroad Company*

/s/ Michael E. Lacy
Alan D. Wingfield (VSB No. 27489)
Michael E. Lacy (VSB No. 48477)
Massie P. Cooper (VSB No. 82510)
TROUTMAN SANDERS, LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-1200
Facsimile: (804) 698-6061
Email: alan.wingfield@troutman.com
Email: michael.lacy@troutman.com
Email: massie.cooper@troutman.com